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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/803,764      | 03/18/2004  | Neil R. Aukland      | DP-309325           | 6688             |

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EXAMINER

KLAUS, LISA NHUNG

ART UNIT PAPER NUMBER

2832

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/803,764 | Applicant(s)<br>AUKLAND ET AL. |  |
|                              | Examiner<br>Lisa N. Klaus     | Art Unit<br>2832               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/18/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the element number 522 as described in the specification (page 17, line [0003]. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding claim 1, line 7, change "at least one stationary contact" to -- at least one of said stationary contacts--.

- Regarding claim 1, line 8, change "at least one of said stationary contact" to -- at least one of said stationary contacts--.

- Regarding claim 1, line 10, Applicant should clarify the phrase "said stationary contact". Is it one of the first, second and third conductive contacts?

- Regarding claim 2, "at least on of said stationary contacts" lacks antecedent basis.

- Regarding claim 6, lines 9, 10 and 13, change "at least one stationary contact" to -- at least one of said stationary contacts--.

- Regarding claim 6, lines 18 and 20, and claim 7, line 8, Applicant should clarify the phrase "said stationary contact". Is it one of the first, second and third conductive stationary contacts?

- Regarding claim 7, lines 10, change "at least one stationary contact" to -- at least one of said stationary contacts--.

- Regarding claim 8, lines 8-12, change "at least one stationary contact" to -- at least one of said stationary contacts--.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Akker et al. (US 6,831,239) in view of Nishio (US 5,672,854).

Van Den discloses a switch comprising:

- a first and second conductive stationary contacts 3 and 4;

- a conductive movable contact 9-12 for electrically contacting at least one of said stationary contacts;
- at least one of the stationary contact and the movable contact having a protruding portion 18 configured to provide an electrical interface for discharge of arcing as the movable contact breaks from the stationary contact;
- wherein at least one of said stationary contacts is a flat pad;
- the movable contact 12 is *generally substantially* shaped as a cylinder;
- the central axis of said movable contact is perpendicular to the path;
- a contact zone 5 defined on said at least one stationary contact that electrically contacts said movable contact when said movable contact is in the make-contact position;
- providing a conductive movable contact being movable along a path between a make contact position and a non-contact position with respect to said at least one stationary contact;

Regarding claims 1, 6-9, Van Den does not teach a third conductive stationary contact.

Nishio discloses a slide switch comprising a third of stationary contact 17 and 18 disposed on the base 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the third stationary contact as taught by Nishio with Van Den's switch for the purpose of connecting to the negative terminal of the power supply source via the ground connection.

***Allowable Subject Matter***

4. Claim 10 is allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the sliding switch comprising a first and second stationary contacts of a first polarity disposed on a base; a third conductive stationary contact of a

Art Unit: 2832

second opposite said first polarity disposed on the base, the third stationary contact including first and second conductive portions;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Conclusion**

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

March 8, 2005

  
571-A42832  
3/17/05